IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

Bail Appl..No. 6020 of 2007()

CRIME NO.139 OF 2007 OF VENMONEY POLICE STATION

PETITIONER/ACCUSED

JAYAKUMAR, AGED 32 YEARS,
S/O THAKKAPPAN, RESIDING AT DEEVIKA VILASAM VEEDU,
THONAKKAD P.O., CHENGANNUR TALUK,
ALAPPUZHA DISTRICT.

BY ADV. SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS
SRI.AJITH MURALI

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No. 6020 of 2007

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Dated this the 4th day of October, 2007

ORDER

Application for anticipatory bail. Petitioner is the sole accused. He faces allegations, inter alia, under Sections 452 and 302 IPC. The petitioner's mother and relatives are devotees of a Madom. The petitioner allegedly leads an indifferent life. On account of animosity arising from the attempt of the Madom to reform and improve the petitioner, he allegedly went to the Madom in a drunken state and armed with a dangerous weapon. He allegedly inflicted a stab injury with a knife on two persons. One of them suffered serious injuries. The alleged incident took place on 21.9.07. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. There is some dispute in the administration of the Madom. The petitioner has been unnecessarily and vexatiously arrayed as an accused. The petitioner was actually the victim of the aggression. He has suffered injuries. He has not been treated by any doctor. He has not so filed any complaint.

3.The learned Public Prosecutor opposes the application. There is absolutely no circumstance justifying or warranting the invocation of the extraordinary

equitable discretion under Section 438, submits the learned Public Prosecutor.

4. Having considered all the relevant inputs, I am unable to perceive any features suggesting the need for invocation of the extraordinary equitable discretion under Section 438 Cr.P.C. . This, I am satisfied, is a fit case where the petitioner must appear before the learned Magistrate or the investigating officer and then seek regular bail in the normal and ordinary course.

5. In the result, this petition is dismissed. Needless to say, if the petitioner surrenders before the investigating officer or the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE